

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

EDDIE LEON DONAHOO,

Plaintiff,

Case No. 1:21-cv-9

v.

Honorable Janet T. Neff

CLIFFORD WOODARDS,

Defendant.

ORDER OF TRANSFER

This is a civil rights action brought by a state prisoner under 42 U.S.C. § 1983. Plaintiff presently is incarcerated at the Michigan Reformatory (RMI) in Ionia, Ionia County, Michigan, though the events giving rise to Plaintiff's action occurred in Detroit, Michigan, prior to Plaintiff's conviction. Plaintiff sues his criminal defense attorney, Clifford Woodards. In his *pro se* complaint, Plaintiff alleges that Defendant Woodards prevented two defense witnesses from testifying in support of Plaintiff's claim of self-defense at his trial for murder.

Under the revised venue statute, venue in federal-question cases lies in the district in which any defendant resides or in which a substantial part of the events or omissions giving rise to the claim occurred. 28 U.S.C. § 1391(b). The events underlying the complaint occurred during Plaintiff's trial in Wayne County. Defendant Woodards has offices in the City of Southfield, Oakland County, Michigan, and may be deemed to reside in that county for purposes of venue over a suit challenging his professional acts. *See Butterworth v. Hill*, 114 U.S. 128, 132 (1885); *O'Neill v. Battisti*, 472 F.2d 789, 791 (6th Cir. 1972). Both Wayne and Oakland Counties are

within the geographical boundaries of the Eastern District of Michigan. 28 U.S.C. § 102(a). In these circumstances, venue is proper only in the Eastern District. Therefore:

IT IS ORDERED that this case be transferred to the United States District Court for the Eastern District of Michigan pursuant to 28 U.S.C. § 1406(a). **It is noted that this Court has not reviewed Plaintiff's complaint under 28 U.S.C. §§ 1915(e)(2), 1915A, or under 42 U.S.C. § 1997e(c).**

Dated: March 19, 2021

/s/ Ray Kent
Ray Kent
United States Magistrate Judge